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10 Attorneys for Plaintiff TIBCO SOFTWARE INC.

11
12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15
16 TIBCO SOFTWARE INC.,

17 Plaintiff,

18 vs.

19 BANK OF AMERICA CORPORATION;
20 BANK OF AMERICA, NATIONAL
ASSOCIATION; MERRILL LYNCH,
21 PIERCE, FENNER & SMITH, INC.

22 Defendants.

CASE NO. 3:14-cv-02782-JD

NOTICE OF APPEAL

1 **NOTICE IS HEREBY GIVEN** that Plaintiff TIBCO Software Inc. appeals to the United
2 States Court of Appeals for the Ninth Circuit from the October 1, 2014 order compelling
3 arbitration and dismissing the case, and each and every part thereof. *See, e.g., Johnmohammadi v.*
4 *Bloomingtondale's, Inc.*, 755 F.3d 1072, 1074 (9th Cir. 2014) (holding order compelling arbitration
5 and dismissing case to be a final appealable order).

6 Plaintiff's Representation Statement is attached to this Notice as required by Ninth Circuit
7 Rule 3-2(b).

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9 DATED: October 31, 2014

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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12 By /s/Claude M. Stern
13 Claude M. Stern
14 Attorneys for Plaintiff TIBCO SOFTWARE INC.
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